

From: [Moore, Gary](#)
To: [Ordonez, Efren](#)
Cc: [Palit, Ted](#); [Salinas, Amy](#)
Subject: Re: Contaminated Stormwater- Houston
Date: Tuesday, September 23, 2014 5:59:48 PM

Efren:

As I indicated, I will be available to talk tomorrow at 9:30 am. As you know, it is not my intention to get involved in your enforcement case. Unfortunately, I have a issue with contaminated stormwater that will drain offsite untreated unless I get authority to release to the sanitary sewer. The city has reviewed the results of our analyses and it appears that it will not be an issue for them. Additionally, the city visited the site today and I gave them a tour. Those that visited were Walid Samarneh (Managing Engineer), Clyde Smith (Industrial Pretreatment), and Allison Osbourne (Industrial Pretreatment).
Thanks

Gary Moore

Federal On-Scene Coordinator

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From: Ordonez, Efren

Sent: Tuesday, September 23, 2014 3:56 PM

To: Moore, Gary

Cc: Palit, Ted; Salinas, Amy

Subject: RE: Contaminated Stormwater- Houston

I spoke to Carol Peters and Ted Palit regarding your email. Are you available tomorrow, Wednesday, at 9:30 a.m. to discuss the issue with Ted and me?

Efren Ordonez

From: Moore, Gary

Sent: Monday, September 22, 2014 5:51 PM

To: Ordonez, Efren

Cc: Salinas, Amy

Subject: CES: Contaminated Stormwater

Efren:

I am an OSC in the Superfund Division. I have been working with the City of Houston on a Non-NPL Superfund Cleanup at a chemical recycling facility. The facility went out of business in August 2010. The City has blocked stormwater drains on the facility. I have been trying to get approval from them to discharge this contaminated stormwater to their sanitary sewer. I have provided them with sample results of the stormwater. They appear to be in a position where they would assist us and the citizens of Houston by accepting the discharge but they are wanting to charge a fee to do so. I have told them that I do not believe that it is right that I would have to pay to discharge into the city sewer system since my actions are intended to protect the citizens of the City of Houston. They have indicated the following:

1. The Texas Constitution does not allow public entities to gift resources;
2. They indicated that they are in a lawsuit with EPA and asked if they could get a non-

monetary benefit (ie. reduction in the penalty);

3. They also asked about indemnification for upsets that they may have as a result of accepting the stormwater (highly unlikely to cause an upset). They were more concerned about spills that may occur that could be released to the sewer. EPA does not provide indemnification.

The discharge to the sanitary sewer will prevent the ongoing release to the storm drains. In fact, in a major storm event I will be pumping the stormwater to the storm sewers as is authorized by the clean water act under the direction of an on-scene coordinator. The intent here is to keep the stormwater out of the residential community to the South of the facility.

I am not sure if you guys can do anything to assist in this matter like giving them credit as a Supplemental Environmental Project (SEP) to some degree. Please let me know what you think.

I am currently on-site so I can be reached on my cell phone.

Thanks

Gary Moore

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